

United States District Court**for the****Eastern District of Washington**FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Jul 08, 2021**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Adan Ayala-Lopez

Case Number: 0980 2:20CR00130-RMP-1

Address of Offender:

Othello, Washington 99344

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, U.S. District Judge

Date of Original Sentence: December 1, 2020

Original Offense: Alien in the United States after Deportation, 8 U.S.C. § 1326(a)(1) and (2)

Original Sentence: Prison - 4 months
TSR - 12 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Michael Ellis

Date Supervision Commenced: February 5, 2021

Defense Attorney: Katherine Westerman

Date Supervision Expires: February 4, 2022

PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1

Mandatory Condition #1: You must not commit another federal, state or local crime.**Supporting Evidence:** Mr. Ayala-Lopez (under his alias name: Miguel Antonio-Amado) is alleged to have violated his supervised release conditions by being arrested for driving under the influence (DUI), and no valid operator's license without identification on June 17, 2021.

On February 22, 2021, supervised release conditions were reviewed and signed by Mr. Ayala-Lopez acknowledging his understanding of mandatory condition number 1, as noted above.

On July 1, 2021, the probation office received notice from Mr. Ayala-Lopez' treatment provider indicating he was cited for DUI on June 17, 2021. On this same date, a records check was conducted, which confirmed his arrest.

According to the Othello Police Department narrative report, on June 17, 2021, an officer observed a maroon 2000 Geo Metro (license plate number BYZ1357) drive south at an estimated speed of 40 to 50 miles per hour (MPH) in a 25-MPH speed zone.

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The officer reported he observed the vehicle quickly swerve to the outside lane and pass a truck. The officer reported he sped after the vehicle with the patrol car lights and siren activated, reaching a speed of 74 MPH to catch up to the suspect vehicle. While attempting to catch the vehicle, the driver's side tires drove onto the dotted white line that separates the two southbound lanes, then swerved back into the outside lane. The officer finally caught up to the vehicle and initiated a traffic stop.

The report indicated when the officer approached the vehicle's passenger side window, he saw a closed can of Budweiser beer on the front passenger floor and an open can of Budweiser beer in the cup holder, closest to the driver. The driver was later identified as Miguel Antonio-Amado, date of birth May 8, 1980. (This is a reported alias name used by Mr. Ayala-Lopez).

The officer reported the offender's eyes were bloodshot, watery, and the odor of intoxicants was coming from within the vehicle. The offender was asked if he was drinking by using the Spanish word for beer "cerveza," while pointing to the open can of Budweiser beer. The offender replied "no." The officer radioed for an additional police officer to respond to his location to help translate. The additional officer, Officer Lopez, arrived and started speaking to the offender. The offender agreed to voluntary Standardized Field Sobriety Tests (SFTS); however, he did not pass the SFTS. The offender admitted to Officer Lopez that he drank two Budweiser beverages. After refusing to blow into the officer's portable Breathalyzer device, the offender was subsequently arrested for DUI.

The offender gave the officers several variations of his name, but eventually the officer was able to locate him in their local database, verified by a photograph. The offender's driver status returned with a no valid drivers license. The vehicle was released to the registered owner. The offender was transported to the police department where he provided two valid Breathalyzer tests, with results returning of .229 and .222. The offender was issued a citation for DUI and driving without a valid driver license without identification.

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Special Condition #3: You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Mr. Ayala-Lopez (under his alias name: Miguel Antonio-Amado) is alleged to have violated his supervised release conditions by consuming alcohol on June 17, 2021.

On March 3, 2021, Mr. Ayala-Lopez reviewed and signed the Waiver of Hearing to Modify Conditions of supervised release acknowledging his understanding of special condition number 3, as noted above.

On June 17, 2021, Mr. Ayala-Lopez (under his alias name: Miguel Antonio-Amado) was arrested for DUI. He was taken back to the police department where he provided two valid Breathalyzer samples, with returning results of .229 and .222.

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Standard Condition #9: If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.

Supporting Evidence: Mr. Ayala-Lopez is alleged to have violated his supervised release conditions by failing to report law enforcement contact after being arrested on June 17, 2021.

On February 22, 2021, supervised release conditions were reviewed and signed by Mr. Ayala-Lopez acknowledged his understanding of standard condition number 9, as noted above.

Mr. Ayala-Perez was arrested for DUI on June 17, 2021, by the Othello Police Department and has yet to report law enforcement contact to the probation office as required, as of the writing of this report.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 8, 2021

Jose Zepeda

Jose Zepeda
Supervisory U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☒ The Issuance of a Summons
☐ Other



Signature of Judicial Officer

7/8/2021

Date